



December 21, 2018

Submitted via email to: susan.fregien@waterboards.ca.gov

Ms. Susan Fregien, Senior Environmental Scientist
Central Valley Regional Water
Quality Control Board
11020 Sun Center Drive, #100
Rancho Cordova, California 95670-6114

RE: Comments to Proposed Changes to the Waste Discharge Requirements General Orders for Growers within the Central Valley That are Members of a Third-Party Group: Sacramento Valley Rice Growers R5-2014-0032-02

Dear Ms. Fregien:

Thank you for the opportunity to provide comments on the proposed changes to the Rice Waste Discharge Requirements Order (Rice WDR) and Monitoring and Reporting Program (MRP). The California Rice Commission is a statutory organization acting as third-party representing rice growers in a commodity specific coalition within the nine contiguous counties of Butte, Colusa, Glenn, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba. We appreciate the dialog leading to the informational item before the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on 6 December 2018. Please accept our formal comments on the Rice WDR in preparation for approval by the Central Valley Water Board members in February 2019. Our comments provide suggested revisions to proposed language and recommendations with respect to the Expert Surface Water Panel process that is just beginning as well as comments that pertain directly to the reporting of sample results from domestic drinking water wells.

Recommended revisions to the Rice WDR:

- 1) Page 18, Section IV.B.4 – The CRC recommends that additional language be added here to address the Central Valley Water Board’s desire to gather information regarding the total number of domestic wells that may exist on properties where rice is also grown. This would replace language that was otherwise proposed for the Farm Evaluation. As we have indicated previously, the cost of revising our Farm Evaluation for this purpose is large and an inappropriate vehicle for obtaining this information.

“Growers shall participate in California Rice Commission outreach activities, at least annually. The Grower shall review outreach materials to become informed of any water quality problems to address and the management practices that are available to address those issues. The Grower shall provide annual confirmation to the California Rice Commission that the Grower has participated in an outreach activity during the previous

year, ~~and~~ reviewed the applicable outreach materials, and identify by County the number of domestic drinking water supply wells located where rice is also grown.¹⁹ “

- 2) Page 24 VII.C. Nitrogen Management Plan – CRC recommends that the NMP language be revised as suggested here to be consistent with the Farm Evaluation language.

By 1 March ~~2016-2018, and every five years thereafter,~~ all Growers shall prepare, and update by 1 March ~~annually thereafter,~~ a rice-specific Nitrogen Management Plan.

Add: The Executive Officer may require more or less frequent preparation of a rice-specific Farm Evaluation for rice growers or a sub-set of rice growers if the Executive Officer makes a determination that the change in frequency is warranted.

Please deleted new paragraph on page 24 before section VIII.D.

- 3) Page 26 VIII.C. Annual Report on Management Practice Implementation and Nitrogen Application. The California Rice Commission shall submit to the Executive Officer data on management practice implementation as specified in Attachment B MRP section V.B. (annual management practice implementation data).

Delete: “Annual”. ~~Annual~~ Report on Management Practice Implementation and Nitrogen Application.

- 4) Page 28, Section VIII.G.2, Footnote 24 second sentence: A “confirmed exceedance of a water quality objective in a groundwater well” means that the monitoring data are determined to be of the appropriate quality and quantity necessary to verify that an exceedance has occurred. The determination of an ~~confirmed~~ exceedance may be based on reliable data obtained by the Central Valley Water Board from ~~any source and made available in Geotracker, including pesticide-related monitoring data collected by the Department of Pesticide Regulation.~~

Please delete the revisions to the language and footnote. The new language provided here is not considered to be precedential according to the East San Joaquin Order. The CRC fully utilizes the data in writing the Groundwater Assessment Report, so work by the Central Valley Water Board would be a duplication.

- 5) Page 29 VIII.G.2. Groundwater Quality Management Plan (GQMP)

“; or (3) the Executive Officer, upon consideration of the State Water Board Hydrogeologically Vulnerable Areas and the Department of Pesticide Regulation Groundwater Protection Areas and other relevant information, determines that rice lands may be causing or contributing to confirmed exceedances of water quality objectives or a trend of degradation of groundwater that may threaten applicable Basin Plan beneficial uses. Prior to making a finding of a confirmed exceedance or of a trend of

degradation of groundwater, the Executive Officer shall allow the California Rice Commission to review any draft findings, and shall allow the California Rice Commission at least 60-days to provide comments to the Executive Officer for consideration."

Like with our comments on footnote 24, please delete the added language. For the CRC, we comment here that the language is internally inconsistent and unnecessary. Subsection (1) in this paragraph already addresses the issue of rice causing or contributing to an exceedance of an objective, and the Executive Officer has discretion to address trends in degradation. The language here provides too much discretion to the Executive Officer to determine if rice lands are causing or contributing to exceedances. Such determinations need to be made with data and facts – not upon consideration of other types of data and information. We already use extensive data combined with our knowledge of the rice growing region and farming practices to determine if and when a GQMP is necessary.

6) Page 32. X. Record-keeping Requirements

~~"The California Rice Commission shall propose describe in the Annual Monitoring Report it's a mechanism/process for backing up and storing the field specific data submitted on the Farm Evaluations and the MPIRs in a secure offsite location manner that is managed ment by an independent entity that specializes in the protection back-up and storage of data. Upon approval of the mechanism by the Executive Officer, the California Rice Commission shall implement the mechanism and provide documentation of the transfer of data to the independent entity."~~

We request that this language be revised to better reflect the process that CRC already employs with respect to the storage of certain data. We already do this as an automated and standard process in maintaining an online reporting database.

**Attachment B to General Order R5-2014-0032-02
Sacramento Valley Rice Growers MRP ORDER R5-2014-0032-02**

7) Page 24 VI. Templates A. Farm Evaluation Template

~~"The number of drinking water supply wells located where rice is also grown, identified by township."~~

As is noted above, the CRC recommends that the request for this information be obtained through our continuing education process rather than through the Farm Evaluation Template. The template language is not precedential (page 30), and there is nothing in the drinking water well monitoring section that requires this to be included in the Farm Evaluation template. Further, the request for this information seems to be misplaced here in the Farm Evaluation template. The data and information that is ultimately submitted to the Central Valley Water Board is subject to anonymous unique identifiers thus there is no

tracking significance for the Central Valley Water Board by including it here. Accordingly, we are requesting that this be deleted from the Farm Evaluation Template language in the MRP.

~~"If a SQMP or GQMP applies to any rice Growers, identification of whether or not one or more of the fields managed by the Grower are in an area requiring a SQMP or GQMP."~~

Next, the CRC also comments that the new language regarding SQMPs and GQMPs also be deleted from the Farm Evaluation Template. The request for this information as part of the Farm Evaluation Template is unnecessary for several reasons. First, provision VII.F. would require growers subject to such requirements to complete and submit a MPIR to the CRC. Reporting such information here is duplicative and creates confusion. Second, in the event that as SQMP or GQMP is triggered, Appendix MRP-1, Management Plan Strategy, would apply, which requires direct outreach and dissemination of information to those grower(s) subject to the management plan. Through these required elements of the management plan, growers will be well aware of their responsibilities for complying with the applicable management plan.

8) Page 24 VI. Farm Evaluation Template
On-farm management practices should include pest management application practices.

The CRC fails to see the value of adding this language to the MRP as such practices are already included on the approved Rice Specific Farm Evaluation Template. Accordingly, we respectfully request that this be deleted.

9) Reporting of the number of Domestic Drinking Water Wells

In further support of the comments made in 1) above, we offer additional comments here. The Rice WDR, like every other Ag WDR, must now include a requirement for growers to monitor domestic drinking water wells and report those results to the State Water Board's Geotracker database. In addition to this requirement, the draft Rice WDR, and the other draft orders, further requires coalition members to identify the number of domestic wells on their Farm Evaluation report, which in turn then requires the coalitions to report to the Central Valley Water Board the number of domestic drinking water wells associated with each member enrollment. While we understand that the intent of this additional reporting requirement is for Central Valley Water Board staff to have some idea of the number of domestic wells within each coalition, or at least we believe this to be the purpose of obtaining this information, we are concerned with this requirement as it is proposed in the Farm Evaluation for several reasons:

First, the additional burden imposed on the coalition for this requirement (which for Rice would cost in excess of \$40,000) is not a precedential requirement within the order, and more importantly, contradicts a key component of this requirement when it was added to the order by the State Water Board. The key component is that this is a direct requirement

on growers and was not to be an additional requirement or burden on the coalitions. For example, footnote 147 clearly states that the drinking water supply well sampling requirement is imposed directly on the Members, **“with no Third Party role for oversight,”**

Requiring a grower declaration regarding the number of domestic drinking water wells on a farm evaluation every 5 years (which then requires the Coalitions to gather and report this information to the Central Valley Water Board) is not required, is contrary to the language and intent of the East San Joaquin Order, and does not provide the Central Valley Water Board with any real meaningful information. To the extent that Central Valley Water Board Staff are merely trying to determine the universe of domestic wells that may be out there on crop land that falls under the Irrigated Lands Regulatory Program in the Central Valley, we believe that there is a more efficient alternative to what is proposed for the Farm Evaluation.

Accordingly, the CRC recommends that we leave the Farm Evaluation as is and instead ask growers as part of their annual continuing education identify the number of domestic drinking water wells that are located on rice properties that are subject to the program. For Rice, this would mean adding a question to our annual online water quality education program that is currently in development with Farm Progress. From this information, we could then report back to the Central Valley Water Board the number of domestic wells on rice land in each County. This would provide the Central Valley Water Board with the “universe” of number of wells under the rice program while allowing the CRC to comply with the Food and Agriculture code, which prohibits us from providing grower specific information in a public format.

Further, as part of the online education program, we would include information explaining to each and every member their individual responsibility for complying with the domestic drinking water well requirement, which will provide them all necessary information to respond to the Central Valley Water Board letters fully and accurately.

10) Response to the State Water Resources Control Board recommendation for the Expert Surface Water Panel

Although not specific to the revisions proposed in the Rice WDR, the CRC takes this opportunity to formally comment on the Central Valley Water Board’s proposed process for engaging in an Expert Panel to review the East San Joaquin surface water program. We are concerned that the Expert Surface Water Panel to be convened by the Central Valley Water Board to evaluate the representative nature of the East San Joaquin surface water monitoring program, will be used as a default or template to justify changes to all other surface water monitoring programs within the Irrigated Lands Regulatory Program. In the case of rice, with over 30 years of surface water monitoring in partnership with the Central Valley Water Board, the Department of Pesticide Regulation and the Department of Fish and Game (now Fish and Wildlife), and the use of hundreds of sites over the years, any modifications would be completely inappropriate. The evaluation and history of our program was provided in our Conditional Waiver of Waste Discharge Requirements for Rice

in 2004, is explained in the Information Sheet (Attachment A) of our existing order, and the resulting surface water monitoring program in our current Order has been accepted by the Central Valley Water Board. Further, our surface water program, and our Rice WDR generally, has not been challenged by any other stakeholders or any environmental interests. Thus, any evaluation of the East San Joaquin program, or any other relatively new program that is related to monitoring surface water for a geographic area that includes many different crops should have no bearing or impact on one as well established as rice.

Moreover, the CRC is the only coalition with the requirement to complete a pesticide evaluation, which we update every five years. Although we participated in the Central Valley Water Board Pesticide Advisory Workgroup formed in 2014, we continue to separately update the rice specific pesticide evaluation.

In short, any recommendations regarding surface water monitoring that come out of the Expert Panel Review process should not apply to the CRC and our surface water monitoring program. However, with that said, we would like to be informed of the Expert Panel Review process and be included on all communications that pertain thereto so that we can monitor the activities of the Expert Surface Water Panel, and the Central Valley Water Board's use of any information gained from that process.

We value our positive relationship with the Central Valley Water Board Members and Staff. Our comments provide additional clarity while supporting the foundation of the Rice WDR.

Please contact us for further information and clarification of our comments.

Sincerely,



Tim Johnson
President & CEO

